

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jacob et al.)
For: Method and Apparatus for)
Delivering Services)
Serial No.: 10/749,711)
Filed: December 31, 2003)
Examiner: Nguyen, K.)
Art Unit: 2617)

Pre-Appeal Brief Request for Review

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby requests review of the final rejection in the above-identified application. No amendments are being filed with this request. The present request is being filed in conjunction with a notice of appeal. The review is being requested for the reasons stated below, which frames the issue to be considered as part of the pre-appeal review process.

The Examiner has rejected claims 1-4, 6, 12-17 and 22, under 35 USC §103(a) as being unpatentable over Chaskar, US Patent Application Publication No. 2004/0224702, in view of the background of the invention, and in view of the newly cited Sheha et al., US Patent Application Publication No. 2004/0054428; rejected claim 24, under 35 USC §103(a) as being unpatentable over Chaskar, '702, in view of Sheha et al., '428 and further in view of the background of the invention; and rejected claims 5, 7-11, 18-21 and 23, under 35 USC §103(a) as being unpatentable over Chaskar, '702, in view of the background of the invention, in view of Milman, US Patent Application Publication No. 2004/0014479, and in further view of Chan et al., US Patent Application Publication No. 2004/0203638. However in reviewing the references in light of the claims as presently pending, the references being relied upon by the Examiner fail to make known or obvious each and every feature of the claims.

More specifically, the combination of references continue to fail to make known or obvious at least a second communication connection, the second communication connection being a direct peer-to-peer communication connection between the user communication device and a communication device of the service provider, where a service transaction is completed via the second communication connection upon rendering of the service at the location of the user by the service provider as provided in independent claim 1; communicating service transaction data directly with the service provider device, which is dispatched to a location of the user responsive to the service request and the location information, via the second communication connection, which is a direct peer-to-peer communication connection between the user communication device and the service provider device, upon rendering of the requested service, as provided in independent claim 13; and means for directly communicating service transaction data via a direct peer-to-peer communication connection with a communication device of a service provider dispatched to a location of the user responsive to the service request and the location information thereby completing a service transaction upon rendering of the service by the service provider, as provided in independent claim 24. In essence, there is no provision for a direct peer-to-peer communication connection between a service provider dispatched to the location of the user and the device or apparatus of the user of the service in the context of the present application for completing a service transaction.

Not only has the Examiner misconstrued and misapplied the description corresponding to the background of the application, but the Examiner has taken out of context the teachings of Sheha et al., '428, apparently focusing on the use of similar words while ignoring the context of the teachings relative to the claims. With regards to the background description, while the background description discusses a first communication associated with dispatching the service provider to the user, the provisions for payment discussed involve a payment with cash or via credit/debit card, where the information is obtained manually from the card or by swiping it through a reader. This is opposed to the present application where the user communication device communicates and the communication device establish a direct peer-to-peer communication connection for completing a service transaction. Consequently in such a context, there is no direct peer-to-peer communication between the communication device of the user, which was used for requesting a service from the service provider agent via a first communication connection, and the communication device of the service provider for purposes

of completing a service transaction, as a credit or debit card does not constitute a communication device in the context of the claims of the present application.

Regarding Sheha et al., '428, the references is directed to the sending and retrieving of location relevant information to a user, and not information directed to the completion of a service transaction, where in the context of the present application the location information is communicated as part of the first communication connection between each of the user and the service provider agent, and the service provider agent and the service provider. Consequently, any suggestion regarding such a communication does not apply to the communication between the communication device of the user and the communication device of the service provider for purposes of completing a service transaction.

Furthermore to the extent that Sheha et al., '428, discusses the possibility of communicating directly with each other in a peer to peer manner, in the complete context of the teaching, such a teaching refers to the possibility of bypassing a communication server, but still communicating with one another via an internet, intranet, or extranet, which is not the same as a direct peer to peer communication, which does not involve the intervening internet, intranet, or extranet, and it is not a direct peer to peer communication that occurs at the location of the user as part of a rendering of the service by the service provider. As Sheha et al., '428, fails to make known each and every feature of the claims including the claimed context in which each of the claimed elements is deemed to interact with one another. As such, the applicant would respectfully request that the final rejection of the claims be overturned.

To the extent that claims 2-4, 6, 12, 14-17 and 22 depend from either independent claims 1 or 13, either directly or indirectly, the dependent claims would similarly be allowable for the same reasons noted above with respect to claims 1 and 13.

Regarding claims 5, 7-11, 18-21 and 23, the Examiner has not relied upon Sheha et al., '428, and therefore it is unclear what alternative teaching the Examiner is attempting to rely upon as allegedly making known a direct peer-to-peer communication connection. In the prior response to the immediately prior office action dated April 29, 2009, the applicant noted that Milman, '479, describes a main server computer, a technician using a hand-held wireless unit, and a customer accessible via e-mail or telephone, where there is no direct peer-to-peer communication between the hand-held wireless unit of the technician and the customer. The hand-held wireless unit appears to exclusively communicate in wireless fashion with the main

server computer (see for example FIG. 1, and lines 28-32 of paragraph [0014]). As such, the further rejection of claims 5, 7-11, 18-21 and 23, which depend from either independent claim 1 or independent claim 13, similarly fail to make known or obvious each and every feature of the claims.

As such, the combination of references can not be said to make known or obvious each and every feature of the claims, in a manner which includes the claimed elements as well as a context including the manner in which the claimed elements are claimed to interact.

In view of the above remarks, the applicant would respectfully request that the Examiner's final rejection of the claims be withdrawn, as failing to make known or obvious each and every feature of the claims.

Respectfully submitted,

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